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Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

BY ECF

RE: United States v. Sulaiman Abu Ghayth, 98-CR-1023

15 July 2014

Dear Judge:

I am writing to renew my request, without objection from the Government, that the sentence of Abu Ghayth be continued for sixty days; or, in the alternative, that it be continued for thirty days, for the reasons herein to follow.

Preliminarily let me note that the sentence in this matter was originally set for mid-September, and was advanced at the request of defense to July, because of the Defendant's expressed desire at the Curcio hearing to resolve sentence quickly; defense believed at that time that it could complete in a timely manner all of the relevant submissions.¹ It is respectfully submitted that if the scheduling of this matter was in any way affected by bad faith by counsel, in order to delay the matter, the application would not have been made to accelerate it by some six weeks or so.

When counsel moved last week to continue the sentence of Abu Ghayth, it was only because as currently set, we believed that there was insufficient time to conclude review of all the materials pertinent to the Defendant's sentence memorandum. Although counsel has been accumulating relevant material on Abu Ghayth for many months, there remain significant amounts of outstanding material counsel has not been able to obtain, nor has counsel been able to move as quickly as he would have preferred in reviewing the material currently organized. I would note that although that memorandum is under way, I am the sole practitioner working on the memorandum, and the only defense team member who has met with the Defendant's family overseas; at this writing the draft requires additional and substantial work.

When it became apparent to me that more time was necessary to prepare the sentence memorandum, I reached out to the Government in the hope that it would consent for additional

¹ I note that counsel has complied with the Court's schedule with regard to raising objections to the Pre-Sentence Investigation Report, and that the Government has submitted its answer to the Probation Department. I do not know whether the conflict over objections and responses will necessitate action by the Court.

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time. At that point it was my intention to ask for only thirty additional days. When I requested the Government to consent in that application, it was the Government that requested a date after 4 September 4, owing to schedule commitments already in place on its end. Thus the request for sixty days was done not to gain any advantage, personal or otherwise, but to accommodate a request from the Government.

Additionally, there remains the issue of my personal matter in the Northern District of New York. I would note that at the time a Rule 11(c)1(C) was proposed to that court, the matter as indicated on the record was adjourned until I believe the third week of October. Subsequently, the clerk of the court posted an adjourn date of 21 August. Be that as it may, my counsel is in the process of clearing up the discrepancy, and is making a formal application to the Court that my return date be solidified for the date in later October—in no small part owing to the fact that I have a number of pending federal and state matters, including a federal trial in the NDNY, which will likely not begin until sometime in September, before the Chief Judge in that district.

Finally, I would note for Your Honor that I begin a state court trial this week, on Thursday, in People v Trombly, Clinton County, defending the prosecution of an 86-year old client for vehicular manslaughter. That case is expected to last until the first week of August.

I can assure the Court that counsel does not make this application for any purpose other than to best serve Abu Ghayth's interests and concerns. For all these reasons I would respectfully request that the matter be adjourned to beyond 4 September, in accord with the Government's preference, or if the Court is looking for an earlier date, to a month from the current date set.

Finally, I would note that in the event I am not available to stand up for any reason on behalf of Abu Ghayth, the continuance would permit us the extra time to prepare the Defendant's sentence memorandum and attachments, in an appropriate and necessary matter, and leave Mr. Stewart in a position to advance our arguments at the sentencing hearing.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'SLC', is written above a horizontal line. A long, sweeping arrow-like flourish extends from the end of the signature towards the upper right corner of the page.

Stanley L. Cohen, Esq.
Counsel for Sulaiman Abu Ghayth

CC: All parties by ECF auto-notification.
SLC/ps